

Notice is hereby given that Dennis Smith, on behalf of himself, the Delta Family-Care Savings Plan and a putative class of all others similarly situated in the above-referenced action hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the final Judgment entered in this action on November 29, 2011 dismissing the above-referenced action in its entirety (*See* Exhibit A attached hereto). This Notice of Appeal includes appeal of the Court's March 31, 2006 Order (DE 64) (attached hereto as Exhibit B) dismissing claims against the individual defendants in the above-captioned matter.¹

Dated: December 21, 2011

s/ Mark K. Gyandoh

Joseph H. Meltzer
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pending)
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¹ An initial notice of appeal was filed with the Court on April 27, 2006 (DE No. 65) following the Court's order on March 31, 2006 dismissing claims against the individual defendants in the above-captioned matter. Plaintiff subsequently requested voluntary withdrawal of the notice of appeal without prejudice because the March 31, 2006 Order was not a final appealable judgment. Plaintiff's request for withdrawal without prejudice was granted on May 30, 2007 (DE 70). At a hearing held in chambers on September 10, 2007, all parties requested that this Court not enter an appealable final judgment in this matter until further notice from the parties (DE 78). On November 4, 2011, the parties requested that the Court enter judgment in favor of Delta Airlines, Inc. ("Delta"), the remaining defendant in this action for whom a judgment had not yet been entered. The Court's Order and Judgment on November 29, 2011 against Delta dismisses the above-referenced action in its entirety and allows both the Court's Order of March 31, 2006 and Order of November 29, 2011 to be appealed.

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CERTIFICATE OF SERVICE AND TYPE

Pursuant to Local Rule 7.1D, the undersigned counsel for Plaintiff hereby certifies that the foregoing has been prepared with a font size and point selection (Times New Roman, 14 pt.) which was approved by the Court, and that on this 21st day of December, 2011, the foregoing **NOTICE OF APPEAL** was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following counsel of record:

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s/Mark K. Gyandoh

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